

CITY OF SEATTLE
ORDINANCE 124243
COUNCIL BILL 117822

AN ORDINANCE relating to historic preservation, imposing controls upon the Rohrer House, a landmark designated by the Landmarks Preservation Board under Chapter 25.12 of the Seattle Municipal Code, and adding it to the Table of Historical Landmarks contained in Chapter 25.32 of the Seattle Municipal Code.

WHEREAS, the Landmarks Ordinance, Chapter 25.12 of the Seattle Municipal Code (SMC), establishes a procedure for the designation and preservation of sites, improvements, and objects having historical, cultural, architectural, engineering, or geographic significance; and

WHEREAS, the Landmarks Preservation Board (Board), after a public meeting on November 17, 2010, voted to approve the nomination of the improvement located at 122 37th Avenue East and a portion of the site on which the improvement is located (which collectively are referred to as the "Rohrer House" for the purposes of this ordinance), for designation as a landmark under SMC Chapter 25.12; and

WHEREAS, after a public meeting on January 5, 2011, the Board voted to approve the designation of the Rohrer House under SMC Chapter 25.12; and

WHEREAS, on September 5, 2012, the Board and the owner of the designated landmark agreed to controls and incentives; and

WHEREAS, the Board recommends that the City Council enact a designating ordinance approving the controls and incentives; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. DESIGNATION: Pursuant to SMC 25.12.660, the designation by the Landmarks Preservation Board (Board) of the improvement located at 122 37th Avenue East and a portion of the site on which the improvement is located (which collectively are referred to as the "Rohrer House" for the purposes of this ordinance), is hereby acknowledged.



1 A. Legal Description. The Rohrer House is located on the property legally described
2 as:

3 Lot 5 in Block 11, Wadell's Madrona Park Addition to the City of Seattle,
4 according to the plat thereof recorded in Volume 11 of plats, Page 2, in King
5 County, Washington.

6 B. Specific Features or Characteristics Designated. Pursuant to SMC 25.12.660.A.2,
7 the following specific features or characteristics of the Rohrer House are designated:
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- 9 1. The exterior of the improvement known as the Rohrer House.
- 10 2. The interior of the living and dining rooms in the improvement known as the
11 Rohrer House.
- 12 3. The site consisting of the property described in subsection 1.A on which the
13 improvement known as the Rohrer House is located, excluding the utility garden
14 area of the site and the north walkway, both of which are identified with cross-
15 hatching in Attachment A (collectively, the "Utility Garden Area").

16 C. Basis of Designation. The designation was made because the Rohrer House is
17 more than 25 years old, has significant character, interest or value as a part of the development,
18 heritage or cultural characteristics of the City, state or nation, has integrity or the ability to
19 convey its significance, and satisfies the following from SMC 25.12.350:
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- 21 1. It is associated in a significant way with the life of a person important in the
22 history of the City, State or Nation (SMC 25.12.350.B).
- 23 2. It embodies the distinctive visible characteristics of an architectural style, or
24 period, or of a method of construction (SMC 25.12.350.D).



3. It is an outstanding work of a designer or builder (SMC 25.12.350.E).

Section 2. CONTROLS: The following controls are hereby imposed on the features or characteristics of the Rohrer House that were designated by the Board for preservation:

A. Certificate of Approval Process.

1. Except as provided in subsection 2.A.2 or subsection 2.B of this ordinance, the owner must obtain a Certificate of Approval issued by the Board pursuant to SMC Chapter 25.12, or the time for denying a Certificate of Approval must have expired, before the owner may make alterations or significant changes to the following specific features or characteristics:

- a. The exterior of the improvement known as the Rohrer House.
- b. The interior of the living and dining rooms in the improvement known as the Rohrer House.
- c. The site consisting of the property described in subsection 1.A on which the improvement known as the Rohrer House is located, excluding the "Utility Garden Area".

2. No Certificate of Approval is required for the following:

- a. Any in-kind maintenance or repairs of the features listed in Section 2.A.1.
- b. Any modifications to the building or site in accordance with the original architect's plans.
- c. Any alterations or changes to the "Utility Garden Area", including but not limited to removal, alteration or replacement of the garden shed.



- d. Any modifications to the interior of the building, excluding the living and dining rooms.
- e. Replacement of the exterior kitchen door in order to address safety issues.
- f. Installation, removal, or alteration of the following landscape elements: trees less than 8 inches in diameter measured 4 ½ feet above ground; shrubs; perennials; annuals; and any landscape elements, regardless of diameter or height, deemed hazardous or dead by the City Historic Preservation Officer following the procedure provided in subsections 2.B.1 and 2.B.2 of this ordinance.
- g. Installation, removal, or alteration of the following temporary site furnishings: benches; movable planter boxes; and movable water features.
- h. Installation, removal, or alteration of fences on the south, north, or east property lines.
- i. Installation, removal, or alteration of temporary interior window coverings.
- j. Removal or alteration of non-original light fixtures in the living and dining rooms.
- k. Installation, removal, or alterations of exterior door hardware if broken beyond repair or for safety concerns.

B. City Historic Preservation Officer Approval Process.



1. The City Historic Preservation Officer (CHPO) may review and approve alterations or significant changes to the features or characteristics listed in subsection 2.B.3 of this ordinance according to the following procedure:
 - a. The owner shall submit to the CHPO a written request for the alterations or significant changes, including applicable drawings or specifications.
 - b. If the CHPO, upon examination of submitted plans and specifications, determines that the alterations or significant changes are consistent with the purposes of SMC Chapter 25.12, the CHPO shall approve the alterations or significant changes without further action by the Board.
 - c. If the CHPO does not approve the alterations or significant changes, the owner may submit revised materials to the CHPO, or apply to the Board for a Certificate of Approval under SMC Chapter 25.12.
2. The CHPO shall transmit a written decision on the owner's request to the owner within 14 days of receipt of the request. Failure of the CHPO to timely transmit a written decision constitutes approval of the request.
3. CHPO approval of alterations or significant changes to the features or characteristics listed in subsection 2.A.1 of this ordinance is available for the following:
 - a. Any maintenance, repair, or alteration necessary to insure building code compliance and safety, including but not limited to the addition or elimination of grilles, pipes, and other similar wiring or mechanical elements necessary for the normal operation of the building.



b. Any alterations to the exterior of the master bedroom addition (not original to the house; shown as "ADDITION" in Attachment A), to include replacement and/or modification of openings.

c. Installation, removal, or alteration of exterior light fixtures, including exterior security lighting, video cameras, and security system equipment.

Section 3. INCENTIVES. The following incentives are hereby granted on the features or characteristics of the Rohrer House that were designated by the Board for preservation:

A. Uses not otherwise permitted in a zone may be authorized in a designated landmark by means of an administrative conditional use permit issued pursuant to SMC Title 23.

B. Exceptions to certain of the requirements of the Seattle Building Code, SMC Chapter 22.100, and the Seattle Energy Code, SMC Chapter 22.700, may be authorized pursuant to the applicable provisions thereof.

C. Special tax valuation for historic preservation may be available under RCW Chapter 84.26 upon application and compliance with the requirements of that statute.

D. Reduction or waiver, under certain conditions, of minimum accessory off-street parking requirements for uses permitted in a designated Landmark structure, may be permitted pursuant to SMC Title 23.

Section 4. Enforcement of this ordinance and penalties for its violation are as provided in SMC 25.12.910.

Section 5. The Rohrer House is hereby added alphabetically to Section I, Residences, of the Table of Historical Landmarks contained in SMC Chapter 25.32.




1 Section 6. The City Clerk is directed to record a certified copy of this ordinance with the
2 King County Director of Records and Elections, deliver two certified copies to the CHPO, and
3 deliver one copy to the Director of the Department of Planning and Development. The CHPO is
4 directed to provide a certified copy of the ordinance to the owner of the landmark.

5 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
6 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
7 shall take effect as provided by Seattle Municipal Code Section 1.04.020.
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Passed by the City Council the 5th day of August, 2013, and
signed by me in open session in authentication of its passage this


5th day of August, 2013.


President _____ of the City Council

Approved by me this 13th day of August, 2013.


Michael McGinn, Mayor

Filed by me this 13th day of August, 2013.


Monica Martinez Simmons, City Clerk


(Seal)

Attachment A: Rohrer House Site Plan

State of Washington,
County of King

I, Taret Polata, certify that this is a true and correct
copy of Ordinance No. 124243, on file in the records
of the City of Seattle, Office of the City Clerk



Signed by: 
Signature _____
Title: Information Specialist
Date: August 29, 2013

